

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
CIVIL APPEAL PRE-ARGUMENT STATEMENT (FORM C)**

1. SEE NOTICE ON REVERSE.

2. PLEASE TYPE OR PRINT.

3. STAPLE ALL ADDITIONAL PAGES

Case Caption: Keepers, Inc., Plaintiff-Appellant-Cross-Appellee, v. Case Nos. 14-1581, 14-2113 City of Milford, Defendant-Appellee-Cross-Appellant.	District Court or Agency: D. Conn. Date the Order or Judgment Appealed from was Entered on the Docket: March 30, 2013 Date the Notice of Appeal was Filed: April 25, 2014	Judge: Thompson District Court Docket No.: 3:07-cv-1231 Is this a Cross Appeal? <input checked="" type="checkbox"/> Yes No
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Attorney(s) for Appellant(s): <input checked="" type="checkbox"/> Plaintiff Defendant	Counsel's Name: Address: Telephone No.: Fax No.: E-mail:
	Jennifer M. Kinsley, PO Box 19478, Cincinnati, OH 45219, (513) 708-4876, kinsleylawoffice@gmail.com Daniel Silver, One Liberty Square, New Britain, CT 06050, (860) 225-3518, dsilver@one-liberty.com

Attorney(s) for Appellee(s): Plaintiff <input checked="" type="checkbox"/> Defendant	Counsel's Name: Address: Telephone No.: Fax No.: E-mail:
	Scott D. Bergthold, Stephen S. Duggins, 7446 Shallowford Rd., Suite 202, Chattanooga, TN 37421, (423) 899-3025, sbergthold@sdblawfirm.com, sduggins@sdblawfirm.com James N. Tallberg, 8 Lowell Road, West Hartford, CT 06119, (860) 233-5600, jtallberg@kt-lawfirm.com

Has Transcript Been Prepared? no; none	Approx. Number of Transcript Pages: n/a	Number of Exhibits Appended to Transcript: n/a	Has this matter been before this Circuit previously? Yes <input checked="" type="checkbox"/> No If Yes, provide the following: Case Name: 2d Cir. Docket No.: Reporter Citation: (i.e., F.3d or Fed. App.)
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ADDENDUM "A": COUNSEL MUST ATTACH TO THIS FORM: (1) A BRIEF, BUT NOT PERFUNCTORY, DESCRIPTION OF THE NATURE OF THE ACTION; (2) THE RESULT BELOW; (3) A COPY OF THE NOTICE OF APPEAL AND A CURRENT COPY OF THE LOWER COURT DOCKET SHEET; AND (4) A COPY OF ALL RELEVANT OPINIONS/ORDERS FORMING THE BASIS FOR THIS APPEAL, INCLUDING TRANSCRIPTS OF ORDERS ISSUED FROM THE BENCH OR IN CHAMBERS.

ADDENDUM "B": COUNSEL MUST ATTACH TO THIS FORM A LIST OF THE ISSUES PROPOSED TO BE RAISED ON APPEAL, AS WELL AS THE APPLICABLE APPELLATE STANDARD OF REVIEW FOR EACH PROPOSED ISSUE.

PART A: JURISDICTION

1. <u>Federal Jurisdiction</u>		2. <u>Appellate Jurisdiction</u>	
U.S. a party	Diversity	<input checked="" type="checkbox"/> Final Decision	Order Certified by District Judge (i.e., Fed. R. Civ. P. 54(b))
<input checked="" type="checkbox"/> Federal question (U.S. not a party)	Other (specify): _____	Interlocutory Decision Appealable As of Right	Other (specify): _____

IMPORTANT. COMPLETE AND SIGN REVERSE SIDE OF THIS FORM.

PART B: DISTRICT COURT DISPOSITION (Check as many as apply)

1. <u>Stage of Proceedings</u>	2. <u>Type of Judgment/Order Appealed</u>	3. <u>Relief</u>
<input checked="" type="checkbox"/> Pre-trial During trial After trial	Default judgment Dismissal/FRCP 12(b)(1) lack of subj. matter juris. Dismissal/FRCP 12(b)(6) failure to state a claim Dismissal/28 U.S.C. § 1915(e)(2) frivolous complaint Dismissal/28 U.S.C. § 1915(e)(2) other dismissal	Dismissal/other jurisdiction Dismissal/merit Judgment / Decision of the Court <input checked="" type="checkbox"/> Summary judgment Declaratory judgment Jury verdict Judgment NOV Directed verdict Other (specify):
		Damages: <input type="checkbox"/> Injunctions: <input checked="" type="checkbox"/> Sought: \$ _____ Preliminary Granted: \$ _____ Permanent Denied: \$ _____ <input checked="" type="checkbox"/> Denied

PART C: NATURE OF SUIT (Check as many as apply)

1. <u>Federal Statutes</u>	2. <u>Torts</u>	3. <u>Contracts</u>	4. <u>Prisoner Petitions</u>
Antitrust Bankruptcy Banks/Banking <input checked="" type="checkbox"/> Civil Rights Commerce, Energy Commodities Other (specify): _____	Admiralty/ Maritime Assault / Defamation FELA Products Liability Other (Specify):	Admiralty/ Maritime Arbitration Commercial Employment Insurance Negotiable Instruments Other Specify	Civil Rights Habeas Corpus Mandamus Parole Vacate Sentence Other
5. <u>Other</u> Forfeiture/Penalty Real Property Treaty (specify): _____ Other (specify): _____	6. <u>General</u> Arbitration Attorney Disqualification Class Action Counsel Fees Shareholder Derivative Transfer	7. Will appeal raise constitutional issue(s)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Will appeal raise a matter of first impression? Yes <input checked="" type="checkbox"/> No	

1. Is any matter relative to this appeal still pending below? Yes, specify: _____ <input checked="" type="checkbox"/> No			
2. To your knowledge, is there any case presently pending or about to be brought before this Court or another court or administrative agency which:			
(A) Arises from substantially the same case or controversy as this appeal?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(B) Involves an issue that is substantially similar or related to an issue in this appeal?		Yes	<input checked="" type="checkbox"/> No
If yes, state whether <input checked="" type="checkbox"/> "A," or <input type="checkbox"/> "B," or both are applicable, and provide in the spaces below the following information on the <i>other</i> action(s):			
Case Name: Keepers, Inc. v. City of Milford	Docket No. 14-1581cv	Citation:	Court or Agency: U.S. Ct. App. for 2d Circuit
Name of Appellant: Keepers, Inc.			

Date: June 20, 2014	Signature of Counsel of Record: s/ Scott D. Bergthold
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NOTICE TO COUNSEL

Once you have filed your Notice of Appeal with the District Court or the Tax Court, you have only 14 days in which to complete the following important steps:

1. Complete this Civil Appeal Pre-Argument Statement (Form C); serve it upon all parties, and file it with the Clerk of the Second Circuit in accordance with LR 25.1.
2. File the Court of Appeals Transcript Information/Civil Appeal Form (Form D) with the Clerk of the Second Circuit in accordance with LR 25.1.
3. Pay the \$505 docketing fee to the United States District Court or the \$500 docketing fee to the United States Tax Court unless you are authorized to prosecute the appeal without payment.

PLEASE NOTE: IF YOU DO NOT COMPLY WITH THESE REQUIREMENTS WITHIN 14 DAYS, YOUR APPEAL WILL BE DISMISSED. SEE LOCAL RULE 12.1.